

| Agenda Item | |
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| | Pledge of Allegiance |
| A-1 | No one wished to be heard during the Open Comment Period. |
| B-1 | President Dennis Hanson called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Pat Carr, Marcia Marcoux, Jean McConnell, Bob Nowicki. Absent: Councilmembers Amy Blenker and Sandra Means. Mayor Ardell F. Brede was not present. |
| C-1 | Councilmembers Marcoux moved, McConnell seconded, to adopt Resolution No. 163-05 referring a petition from Platinum Development for extension of REA sewer and trunkline to the Public Works Department for a feasibility study. Ayes (5), Nays (0). Motion carried. |
| C-2 | Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 164-05 referring a petition from residents requesting sidewalk construction along 18 th Avenue S.W. from 6 th Street to 8 th Street S.W. to the Public Works Department for a feasibility study. Ayes (5), Nays (0). Motion carried. |
| D-1-24 | Councilmembers Nowicki moved, McConnell seconded, to approve the following consent agenda items. |
| D-1 | Approved the minutes of the April 4 and 18, 2005, Council meetings. |
| D-2 | Approved the appointment of Vincent M. Barry and Bruce Snyder to the Planning and Zoning Commission for the term ending December 31, 2006. |
| D-3 | Approved an increase in the taxi fares and instructed the City Attorney to prepare the required ordinance for adoption. |
| D-4 | Adopted Resolution No. 165-05 expressing the City's support for the "One Minnesota Act" – House File 2059 and Senate File 1914. |
| D-5 | See at end of D Items. |
| D-6 | Approve Accounts Payable in the amount of \$4,906,110.56 and Investment Purchases of \$1,588,206.66. |
| D-7 | Adopted Resolution No. 166-05 approving a Letter of Understanding between the City of Rochester and Rochester Youth Baseball Association to light four baseball fields at the UCR Complex. |
| D-8 | Adopted Resolution No. 167-05 authorizing the Police Department to apply for and accept Year #7 "Enforcing Underage Drinking Laws" grant for up to \$5000 and enter into an agreement with the Minnesota Department of Public Safety. |
| D-9 | Adopted Resolution No. 168-05 approving entering into a Memorandum of Understanding with the US Department of Justice Federal Bureau of Prisons, Federal Medical Center for emergency assistance. |

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| D-10 | Adopted Resolution No. 169-05 approving entering into an agreement with NW3C (National White Collar Crime Center) Voting Membership Agreement to allow participation in NW3C programs. |
| D-11 | Adopted Resolution No. 170-05 approving execution of Assessment Agreements for Project No. J-7235 "40 th Street Interchange Willow Creek Transportation Improvement District" and Project No. J-7236 "Reconstruction of Commercial Drive and Woodlake Drive". |
| D-12 | Adopted Resolution No. 171-05 approving the execution of the North Orchard Agreement with K & P Properties and Billman Orr Enterprises. |
| D-13 | Adopted Resolution No. 172-05 approving execution of the Revocable Permit with Mayo Clinic Rochester to allow the installation of snow melting equipment, decorative lighting and an awning within the right of way of West Center Street adjacent to Methodist Hospital. |
| D-14 | Adopted Resolution No. 173-05 approving the execution of a City/Owner Contract with Badger Hills LLC and Road Constructors, Inc. for Project No. J-5137 "Public Improvements to Serve Badger Hills Second Subdivision". |
| D-15 | Adopted Resolution No. 174-05 approving the execution of a Development Agreement with Rochester Montessori School, Inc. |
| D-16 | Adopted Resolution No. 175-05 authorizing the execution of a Contribution Agreement with Kwik Trip, Inc. for part of Lots 7 & 8, all of Lots 9 through 15 and part of Lots 19 through 22, Block 3, Conley's Addition as well as the vacated alley right-of-way abutting said lots to facilitate development of the property. |
| D-17 | Adopted Resolution No. 176-05 authorizing the City Clerk to advertise for bids for Project No. 6200-E-00 (J-96187) "Reconstruct Center Street from 1 st Avenue to 3 rd Avenue". |
| D-18 | Adopted Resolution No. 177-05 adding TH52 East Frontage Road/Bandel Road from 65 th Street N.W./Overland Drive to 75 th Street N.W. to the City's Municipal State Aid System and deleting Badger Hills Drive N.W. from CSAH 22 to 50 th Avenue N.W. from the City's Municipal State Aid System. |
| D-19 | Adopted Resolution No. 178-05 awarding the bid to Winona Mechanical for Project No. M5-08 (J-7741) "Storm Sewer Along 9 th Avenue N.W. between Civic Center Drive and Cascade Creek" in the amount of \$87,862.75. |
| D-20 | Adopted Resolution No. 179-05 approving the execution of an Engineering Services Agreement not to exceed \$123,000.00 with HR Green Company to provide engineering services for Project No. M4-59 (J-7739) "Construct Temporary Lift Station and Forcemain to Replace Existing Lift Station No. 4." |

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| D-21 | Adopted Resolution No. 180-05 supporting the Environmental Protection Agency's (EPA) Smart Growth Implementation Assistance Application that authorizes the Public Works Department to submit the application on behalf of the City. |
| D-22 | Adopted Resolution No. 181-05 approving Change Order No. 1 for Project No. J-4390 "2004 Plant Expansion for the Water Reclamation Plant" in the amount of \$195,204.00. |
| D-23 | Adopted Resolution No. 182-05 approving a Ground Lease Agreement with B & B Event Building, LLC at the Rochester International Airport for a 25,000 square foot event center. |
| D-24 | <p>Approved the transfer of \$74,044 from the Future Construction Account for the Mayo Civic Center Roof Replacement.</p> <p>Ayes (5), Nays (0). Motion carried.</p> |
| D-5 | <p>Councilmember Carr introduced two individuals connected with the Minnesota State Harley Owner's Group, Tom Walsh and Scott Gear.</p> <p>Tom Walsh, Eyota, and Scott Gear, Faribault, told the Council that they were working with local officials in the planning of the June 24th and 25th State H.O.G. Rally in Rochester. They are anticipating 1000 bikes and plans include a parade and being a part of the Rochesterfest Celebration.</p> <p>Councilmembers Carr moved, McConnell seconded, to approve the following licenses and miscellaneous activities. Ayes (5), Nays (0). Motion carried.</p> <p><u>Fireworks Sales Renewals</u></p> |
| | <p>In-Store – 36</p> <ul style="list-style-type: none"> Apollo II – Conoco – 1025 4th St SE Asian Food Store – 407 N Bdwy Big Lots – 1607 Hwy 14 E Cub Foods – 1021 15th Ave SE Amoco Food Center – 1509 Greenview Dr SW Amoco Food Center – 451 16th Ave NW Golden Hill Amoco – 2276 S Bdwy Kmart #4351 – 201 9th St SE (B.J. Alan Co) Kwik Trip #335 – 2335 26th St NE Kwik Trip #672 – 1941 S Bdwy Kwik Trip #321 – 1350 Salem Rd SW Kwik Trip #357 – 1221 Marion Rd SE Kwik Trip #341 – 315 12th St SE Kwik Trip #382 – 4120 Hwy 52 N Kwik Trip #364 – 3490 55th St NW |

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Kwik Trip #418 – 3531 9th St NW
Kwik Trip #388 – 3111 Wellner Dr NE
Mills Fleet Farm – 3551 S Bdwy (B.J.Alan Co)
Petrol Pumper #61 – 4100 Hwy 63 S
Pump N Munch #10 – 1607 S Bdwy
Pump N Munch #11 – 82 36th Ave NW
Pump N Munch #3 – 2620 N Bdwy
Pump N Munch #9 – 1106 15th Ave SE
Sam's Club #6427 – 3410 55th St NW
Severson Conoco – 1401 N Bdwy
Shopko S – 2820 Hwy 63 S
Shopko N – 3708 Hwy 63 N
Super Target – 3827 Marketplace Dr NW
Superamerica #4036 – 701 N Bdwy
Superamerica #4254 – 400 4th St SE
Superamerica #4300 – 1520 2nd St SW
Superamerica #4302 – 610 11th Ave NW
Superamerica #4303 – 919 37th St NW
Superamerica #4442 – 5600 Hwy 52 N
Wal-mart Store #1971 – 3400 55th St NW (TNT Fireworks)
Wal-Mart #2812 – 25 25th St SE

TENT SALES - 10

BIG TOP TOO FIREWORKS SALES AT:

NAPA Parking Lot – 1225 Eastgate Dr SE

TNT FIREWORKS SALES AT:

Wal-Mart S Parking Lot – 25 25th St SE
Shopko N Parking Lot – 3108 Hwy 63 N
Wal-Mart N Parking Lot – 3400 55th St NW
Shopko S Parking Lot – 2820 Hwy 63 S
Cub Foods Parking Lot – 1021 15th Ave SE

VAPOR OF SMOKE FIREWORKS AT:

Hy-Vee Parking Lot – 500 Crossroads Dr SW
Menards N Parking Lot – 5150 Hwy 52 N
Hy-Vee Parking Lot – 1315 6th St NW
Hy-Vee Parking Lot – 500 37th St NW

Fireworks Display

Rochester Golf & Country Club
3100 W Country Club Rd SW
Rochester, Mn. 55902
Annual 4th of July Fireworks 10:00 PM to 11:00 PM

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| <p>Rochester Honkers Baseball Club PO Box 482 Rochester, Mn. 55903 Displays at Mayo Field 6/2/05 & 8/12/05 10:00 PM 403 East Center St.</p> |
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Gambling - Temporary

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| <p>SE MN Association of Realtors 3400 E River Rd NE Rochester, Mn. 55906 Raffle 7/20/05</p> |
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| <p>Confidence Learning Center 1620 Mary Fawcett Memorial Dr East Gull Lake, Mn. 56401 Raffle at Kahler Hotel 9/10/05 20 2nd Ave SW</p> |
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| <p>Ronald McDonald House 850 2nd St SW Rochester, Mn. 55902 Raffle at Willow Creek Golf Course 7/29/05 1700 48th St SW</p> |
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Liquor On-Sale – Temporary

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| <p>St. John the Evangelist Catholic Church 11 4th Ave SW Rochester, Mn. 55902 Annual Block Party 7/9/05 12:00 Noon until 11:00PM 1st St SW between 4th & 6th Ave SW</p> |
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Outdoor Dining

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| <p>S & L Trendz, Inc. DBA Jimmy John's Gourmet Sandwiches 9 Third Ave NW Rochester, Mn. 55901</p> |
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Sewer and Drains Installation

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| <p>Ultimate Landscaping Inc 8871 50th St SW Byron, Mn. 55920</p> |
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Sidewalks – Cement

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| <p>T & J Concrete & Masonry 17720 Hwy 65 Ham Lake, Mn. 55304</p> |
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So. Mn. Concrete, Inc.
1836 3rd Ave SE
Rochester, Mn. 55904

Sound Amplification

Lourdes Foundation
621 West Center St
Rochester, Mn. 55902
Under the Big Top Alumni Gathering 6/25/05 12:00 Noon to 3:00 PM

Bilotti's Italian Restaurant
304 1st Ave SW
Rochester, Mn. 55902
50th Anniversary Cancer Benefit 5/26/05 5:00 PM to 10:00 PM
To Be Held on 3rd St SW

Mn State Harley Owner's Group
State H.O.G. Rally 6/24 – 25/05
Olmsted County Fairgrounds 8:00 AM to 8:30 PM

Yasmin S. Matubis
836 West Center St #5
Rochester, Mn. 55902
Wedding Ceremony and Reception 7/30/05 8:00 AM to 10:00 PM
Essex Park
5455 W River Rd NW

Whistle Binkies Old World Pub
3120 Wellner Dr NE
Rochester, Mn. 55906
3rd Anniversary Celebration 6/11/05 11:00AM to 8:00PM
Parking Lot South of Restaurant

St. John the Evangelist Catholic Church
11 4th Ave SW
Rochester, Mn. 55902
Annual Block Party 7/9/05 12:00 Noon until 11:00PM
1st St SW between 4th & 6th Ave SW

Chad Arnold
1344 6th Ave SE
Rochester, Mn. 55904
Birthday Party 6/4/05 4:00PM to 9:00PM
Slatterly Park
10th St & 11th Ave SE

Elks Lodge #1091
917 15th Ave SE
Rochester, Mn. 55904
Classic Car Drive-In Every Wednesday from 5/18/05 to 9/28/05
5:00PM to 9:00PM

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| | <p data-bbox="349 342 660 371"><u>Miscellaneous Activities</u></p> <p data-bbox="444 409 1382 539">Lourdes Foundation 621 West Center St Rochester, Mn. 55902 Under the Big Top Alumni Gathering 6/25/05 12:00 Noon to 3:00 PM</p> <p data-bbox="444 560 1312 722">Bilotti's Italian Restaurant 304 1st Ave SW Rochester, Mn. 55902 50th Anniversary Cancer Benefit 5/26/05 5:00 PM to 10:00 PM To Be Held on 3rd St SW</p> <p data-bbox="444 743 1133 842">Mn State Harley Owner's Group State H.O.G. Rally 6/24 – 25/05 Olmsted County Fairgrounds 8:00 AM to 8:30 PM</p> <p data-bbox="444 879 979 1010">Federal Medical Center 2110 E Center St Rochester, Mn. 55904 5K Run 5/24/05 4:00 PM to 6:00 PM</p> <p data-bbox="444 1031 1208 1192">St. John the Evangelist Catholic Church 11 4th Ave SW Rochester, Mn. 55902 Annual Block Party 7/9/05 12:00 Noon until 11:00PM 1st St SW between 4th & 6th Ave SW</p> <p data-bbox="225 1230 1411 1562">E-1 A Hearing to obtain Public Comment and Recommendations Concerning the Proposed Charter Amendments Relating to Removal of Employees and the Removal of Appointed Members of Boards and Commissions.</p> <p data-bbox="349 1367 1300 1396">Having no one wishing to be heard, President Hanson closed the hearing.</p> <p data-bbox="349 1434 1411 1562">Councilmembers Nowicki moved, Marcoux seconded, to approve the Proposed Charter Amendments Relating to Removal of Employees and the Removal of Appointed Members of Boards and Commissions and directed the City Attorney to prepare the required ordinance for adoption. Ayes (5), Nays (0). Motion carried.</p> <p data-bbox="225 1600 1411 1730">E-2 A Continued Hearing on Final Plat #04-30 to be known as Shannon Oaks Third Subdivision by Arcon Development, Inc. located south of 21st Street N.E., west of the Haver Hills Development, east of Shannon Oaks 2nd Subdivision and approval of a Substantial Land Alteration Activity.</p> <p data-bbox="349 1768 1424 1860">Wishing to be heard was Wade DuMond, Yaggy-Colby, representing the developer. Mr. DuMond said that he was available for questions and noted agreement with the nine conditions.</p> <p data-bbox="349 1898 1398 1927">Having no one further wishing to be heard, President Hanson closed the meeting.</p> |

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| E-3 | <p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 183-05 approving Final Plat #04-30 to be known as Shannon Oaks Third Subdivision by Arcon Development, Inc. with nine conditions and Resolution No. 183A-05 approving the Substantial Land Alteration Activity. Ayes (5), Nays (0). Motion carried.</p> <p>A Hearing on General Development Plan #254 by Charles Herman, Thomas Gommels, Ralph Gay and John Deedrick to be known as 36th Avenue NE Properties located south of 48th Street NE and north of Ogden Court NE.</p> <p>Wishing to be heard was Wade DuMond, Yaggy-Colby, representing the property owner. Mr. DuMond said that he had received a copy of the unsigned petition by the residents of Osjor Estates. Mr. DuMond said that he had a neighborhood meeting prior to the Planning and Zoning Commission meeting. One of the big issues is the increase in traffic on 36th Avenue. The general development plan shows an access running northwest to southeast coming to 36th Avenue N.E. He said that they have looked at the entire area to maximize the number and location of north-south streets to reduce the number of trips to one road. 36th Street, which is a substandard street, cannot be accessed by this development until it is upgraded. Mr. DuMond said that Haverhill Township has indicated that they intend to overlay the road this year but the road will still not meet City standards. Mr. DuMond noted agreement with the seven conditions.</p> <p>Mike Nigbur, Public Works Department, said that until the area of 36th Street is annexed, the street will not be upgraded. The major access to the property will be from 48th Street N.E.</p> <p>Brent Svenby, Planning Department, suggested that an eighth condition be added that "development would start at the north portion of the property and proceed southerly". Mr. DuMond agreed to the eighth condition.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded, to approve General Development Plan #254 by Charles Herman, Thomas Gommels, Ralph Gay and John Deedrick to be known as 36th Avenue NE Properties with seven conditions, adding the eighth condition as suggested by Brent Svenby and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (5), Nays (0). Motion carried.</p> |
| E-4 | <p>A Hearing on Final Site Plan Amendment #05-01 for the Arboretum Special District located south of 55th Street NW, west of TH52 and within the Northwest Plaza and the Arboretum Special District.</p> <p>Wishing to be heard was Doug Anderson, APD Engineering, Rochester, New York, representing Sam's Club. Mr. Anderson said that they were in agreement with the one condition.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> |

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| E-5 | <p>Councilmembers Carr moved, Nowicki seconded, to adopt Resolution No. 184-05 approving Final Site Plan Amendment #05-01 for the Arboretum Special District with one condition. Ayes (5), Nays (0). Motion carried.</p> <p>A Hearing on Final Plat #05-13 by Wood Lake Land Enterprises of Rochester, Inc. to be known as Wood Lake Park First Replat located along the northeast side of Wood Lake Drive SE, and south of TH52.</p> <p>It was noted that Condition #4 is deleted as it is a duplication of Condition #3.</p> <p>Wishing to be heard was Carl Schuller, Schuller Associates, Developer. He was available for questions and noted agreement with the four remaining conditions.</p> <p>Having no one further wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 185-05 approving Final Plat #05-13 by Wood Lake Land Enterprises of Rochester, Inc. to be known as Wood Lake Park First Replat with four conditions. Ayes (5), Nays (0). Motion carried.</p> |
| E-6 | <p>A Hearing on City Council Initiated Annexation #05-03 to annex property located adjacent to the WR-6A Flood Control Reservoir, north of 60th Avenue SW and west of CR 147.</p> <p>Having no one wishing to be heard, President Hanson closed the hearing.</p> <p>Councilmembers McConnell moved, Nowicki seconded, to approve City Council Initiated Annexation #05-03. Ayes (5), Nays (0). Motion carried.</p> |
| E-7 | <p>A Hearing Relating to the Issue of Amending Section 85.13 of the Rochester Code of Ordinances to Permit Archery Hunting Within the Municipal Limits of the City of Rochester.</p> <p>Roger Peterson, Chief of Police, explained the reasoning behind the suggested ordinance change. He said that the deer population within the City of Rochester has caused an increase in complaints of damage by deer, both in property around homes and traffic accidents. One solution is to control the deer population in the outer areas of the City so that animals do not infiltrate further into the more populated areas. Many of the outer areas were hunted in the past but because of annexation to the City, hunting has not been allowed. The current ordinance allows only the Chief of Police to give permission for hunting within the City limits. The amended ordinance would allow only bow hunting on properties if permission has been given by the owner of the property.</p> <p>Councilmember Carr said that he has received a number of telephone calls from residents in and around the Quarry Hill Park and Century High School area concerned that allowing hunting on City property will create more problems rather than solving a deer problem.</p> |

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Councilmember McConnell expressed his concern with the proposed ordinance amendment saying that no matter how careful hunters are, arrows do travel and children and property are in danger of being harmed.

Chief Peterson said again that hunters will have to have permission to hunt the land. There is a 500-foot setback requirement from dwellings and adjacent properties. Currently there is no viable way to manage the deer in the City and outlying areas. He said that many traffic accidents involving deer are not reported.

Wishing to be heard was Donald Nelson, Area Wildlife Supervisor, Minnesota Department of Natural Resources. Mr. Nelson said that there is no census data available on the deer population in the City. That information could only be obtained by a flying over the City and counting of the deer. He said that his office receives approximately one call a month of deer damage. Other options for deer management are not available. The City can achieve greater control through a regulated hunt. Mr. Nelson said that at the present time, Rochester does not have a severe deer problem. The MnDNR has encouraged cities to adopt ordinances such as proposed as the deer problem will become more so as cities move into outlying areas. Mr. Nelson said that State law requires a 500 foot setback from buildings for firearms. There are no such restrictions for bows. A setback would limit the number of parcels available in the City for hunting. Other cities have adopted a 200 foot setback.

Wishing to be heard was Lyle Solem, 1221 20th Street N.W. Mr. Solem said that he lives in an area north of Assisi Heights. He has approximately ten deer that come by his house continually. He sees deer that have been wounded and maimed by hunting. Mr. Solem says that the deer eat all the flowers and gardens and need to be managed.

Wishing to be heard was Arletta Derby, 2204 11th Avenue N.W. Ms. Derby lives behind the Solem's property. She feeds animals throughout the year, including deer. She said that squirrels eat just as many tulips as the deer. Ms. Derby said that the deer are wonderful neighbors.

Wishing to be heard was Bob Johnson, 1224 20th Street N.W. Mr. Johnson said that the deer do irreparable damage to flowers and trees. The population needs to be thinned out. He said that he has had to stop his car numerous times to allow the deer to pass on his street.

Wishing to be heard was Flo Sandok, 1516 13th Avenue N.E. Ms. Sandok made reference to the goose with the arrow embedded in its body. She said that it would be great if there were wonderful marksmen and everyone could determine distances. Will bowhunters be taking yardsticks with them? When there are woods behind a house, will hunters really know that it is off limits or should there be designated areas where hunters will know it is okay to be. Ms. Sandok said that she likes the idea that an officer has to look at the situation before giving permission if appropriate. Are there children that will go out into an area with bows? The current ordinance is not broken; don't fix it. She said that there should not be a question of the safety of children over tulips and cucumbers. Ms. Sandok

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said prove to her it's safe or don't change the ordinance. She does not have a problem with deer, if she sees them on the road, she slows down and there isn't a problem.

Wishing to be heard was Karen Yaszemski, 2806 16th Avenue S.W. Ms. Yaszemski's property was recently annexed to the City, Bamberwood area. She said that they do have a deer population. She doesn't appreciate the shining of deer particularly when the shining includes her home. Ms. Yaszemski said that there should be a controlled hunt. She said that she doesn't want to be riding on her tractor and fearing that an arrow will hit her. She has three brothers who are avid bow hunters and they said that 500 feet is not an adequate setback. She said that hunters are out in the area 24 hours a day looking for the prize buck. If the ordinance is adopted, things could get out of hand. There could be a price to pay.

Wishing to be heard was Marty Stubstad, 2316 Wilshire Lane N.E., an archery retailer for 23 years. He said that bow hunting has been in the City for over 50 years. He said that the City has to get deer management under control like other cities have effectively been doing by allowing a change in the ordinance for bow hunting with a property owner's permission. Mr. Stubstad was present to tell how safe bow hunting really is. For 23 years he has taught the International Bow Hunter's education class in Rochester. An 8-hour program that includes conservation, being a safe and responsible bow hunter, knowing your equipment, hunting preparation, elevated stance, shot placement, recovery, sportsmanship and ethics. It is a very successful program that many states require bow hunters to take prior to issuance of a license. Hunting in someone's backyard is a very serious thing. By requiring an efficiency test, the very best archers will be doing the hunting. There would be no administrative cost to the City by allowing bow hunters. Through his store and the Rochester Archery Club proficiency testing could be administered by volunteers. The proficiency test should be a yearly mandatory test. There are no records on file in the State of Minnesota of a bystander being shot while someone is bow hunting.

Wishing to be heard was Jo Russell, 5900 11th Avenue S.W. She has lived at her home for 37 years. She puts out feeders for various animals. A small grandchild lives with them. She noted that she is not against hunting and many records have been set in her area. There are numerous traffic accidents involving deer because of excessive speed on 11th Avenue. The posted speed limit is 45 miles per hour but cars are going at least 60 miles per hour. She had a bow hunter in past years ask permission and he was let into the property to hunt. This past year she denied him permission but he entered the property anyway. Ms. Russell noted that the deer habitat is declining with the advent of development of homes and increased population. We are invading their habitat. Co-exist and enjoy it, not destroy it. There is a Metro Hunters Resource Base. If metro cities need herds thinned out, they will send in state certified hunters based on a lottery system. A specific area is set up with monitored time during the day when and where hunting can occur.

Having no one further wishing to be heard, President Hanson closed the hearing.

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Councilmember Nowicki recommended the addition of the following three conditions to the four recommended conditions:

5. The applicant must purchase a Regular Archery License or All Season Deer License.
6. The applicant must complete an Archery Proficiency Test and be prepared to show proof of this proficiency as granted and administered by a certified Archery Instructor.
7. Hunting must make use of a tree stand at least 5 feet from ground level.

Councilmember McConnell said that this is a very controversial issue that should have the full council present to vote on the matter.

Councilmember McConnell moved that the issue be tabled for two weeks. Motion failed for lack of second.

Councilmembers Carr moved, McConnell seconded, to leave the firearms ordinance as is saying that the City should be held to a higher standard. Ayes (2), Nays (3). Motion failed. Councilmembers Marcoux and Nowicki and President Hanson voted nay.

Councilmembers McConnell moved, Carr seconded, to table to the May 16, 2005, meeting the Issue of Amending Section 85.13 of the Rochester Code of Ordinances to Permit Archery Hunting Within the Municipal Limits of the City of Rochester. Ayes (3), Nays (2). Motion carried. Councilmembers Marcoux and Nowicki voted nay.

F-1

Decision on the need for an Environmental Assessment Worksheet (EAW) in response to the citizen's petition to the environmental quality Board (EQB) with regard to Scenic Oaks Lakeview GDP.

Councilmembers agreed to take any new testimony from the representatives of Scenic Oaks Lakeview GDP and the residents requesting the preparation of an Environmental Assessment Worksheet.


Wishing to be heard was Charles Huskins, 1323 Lone Pine Road SW. He complemented the City departments on the very careful review of their petition and the issues raised. Mr. Huskins quoted from the report by the Planning Department that said "further development in this area could have very significant impacts on the wildlife use of the reservoir and its environs. In other words, an environmental analysis is warranted, but not necessarily an EAW...." Mr. Huskins said that if the Planning Department can do the analysis, they are in agreement with that. He asked that three things be considered. (1) The report doesn't discuss a concrete plan for how the analysis would be performed. They recommend that the plan be developed, a public comment period held on the plan and a public comment on the results of the environmental analysis. (2) They urge the Council to re-open the GDP and record the environmental analysis recommendations to in the report as a

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condition of the GDP. (3) We strongly endorse recommendation #3 that urges the Council to transfer the reservoir and the surrounding land to the Rochester Park and Recreation Department as a natural resource park.

Wishing to be heard was Jeff Griffin, GGG Engineering, Chatfield, representing the applicant. He asked to comment on the EAW request and his response to Phil Wheeler, Planning Department Director. Mr. Griffin said that the adjacent General Development Plan, Scenic Oaks, had an EAW performed on it. In 1998 when the EAW was sent to the Minnesota Department of Natural Resources they commented that there were "no rare plant or animal species or other significant natural features known to occur within an approximate one-mile radius of the Scenic Oaks GDP." That one-mile radius encompasses the entire Scenic Oaks Lakeview Subdivision. The Minnesota State Historical Society commented with similar statements. He said that the Minnesota Pollution Control Agency and the Department of Health both commented with standard language regarding best management practices, silt fence, separate with sewer and water pipes, etc. Mr. Griffin said that the only negative response from any of the agencies was the concern of funneling all of the traffic up to 48th Street and a problem with the intersection of 48th Street and Highway 63. That concern is now alleviated because there will be an additional access other than 48th Street off of County Road 8. The petitioners indicated that the reservoir was for two purposes, flood protection and wildlife habitat. That is not the case. The reservoir was for the sole purpose of flood control only. At the time the reservoir was designed, the City had to option to purchase additional land for wildlife benefits and the City elected not to purchase. Mr. Griffin commented on the second item on the petition; that the surrounding close proximity of the townhomes would disrupt the wildlife habitat. Mr. Griffin told the Council again that this is not a high-density project. The corridor beyond the area that the townhomes are in will not be significantly disrupted. Groups, like Pheasants Forever, have been creating prime habitat by not mowing ditches and using adjacent right-of-ways. The proposed development is lying within a corn/soybean farm field. They plan to put a 50-foot buffer along the entire reservoir-side of the development and plant native vegetation up to the reservoir property. The claim that the design for providing sewer and water services is inadequate and will have a significant impact on the water quality in the reservoir is false. The current farming practice causes silt to run into the reservoir property during rain. The proposal will have sediment from the streets and front yards draining into two sediment ponds prior to entering the reservoir. The back yards will be grass plus the 50-foot native grasslands buffer. Mr. Griffin said that the area proposed to be developed is for low density residential. There will only be 1.28 units per acre which will not impact the view from the reservoir. The petition also cited that the access road and storm water management ponds would destroy the habitat near the reservoir. The access road will be shortened, by moving the road over two lots, from 700 feet to 315 feet on public land and all of the proposed improvements remain within the proposed 60-foot wide right of way with the exception of crossing the dry run channel. Mr. Griffin went on to say that they have agreed to further mitigate by creating additional wetlands in cooperation with the Rochester Park and Recreation Department. The final item that Mr. Griffin addressed was the proposed loss of habitat. The State defines a state scientific natural area as one with no trails, no restrooms, and no

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| | <p>animals allowed. Mr. Griffin said that he has spent some time in the area since the last meeting observing the area. It is not prime habitat because people are allowing their dogs to flush out any birds that are there. He said that during the prime nesting time there would be no construction until September 15. However, people's dogs are disturbing any animals that are currently there.</p> <p>Gary Neumann, Assistant City Administrator, said that the area was bought and designed as flood control but was also intended as a multi-purpose use property. Some land was bought around each reservoir for people to use for walking, for birds and other purposes. The intent of the City, in turning over the land to the Park Department, is to have them decide how to manage this facility for multi-purpose. The recommendation for transfer of the land to the Park Department will be brought before the Council at a later date to allow time to plan for the multi-use of the land. Mr. Neumann said that the trail should be realigned. The City will designate the location of the trail and secure an easement from the developer.</p> <p>Councilmembers Marcoux moved, Carr seconded, to direct the City Staff to (1) prepare Findings indicating that an EAW is not necessary because of points subset a and b, (2) direct staff to work with the developer to refine mitigation measures on the GDP property and the public lands making the change to subset a "the City Park Department " and subsets b and c and (3) by concurrence of the Council to transfer the land to the City Park Department at a later date. Ayes (5), Nays (0). Motion carried.</p> |
| F-2 | <p>Councilmembers Marcoux moved, McConnell seconded, to adopt Resolution No.186-05 denying Chuck's Tire and Auto request for exemption from the special service district charges based on the benefits that the property will receive. Ayes (5), Nays (0). Motion carried.</p> |
| G-2a | <p>An Ordinance Amending and Reenacting Subdivisions 2 and 3 of Section 95.13 of the Rochester Code of Ordinances, Relating to Taxicab Rates, was given a first reading.</p> |
| G-2b | <p>An Ordinance Amending and Reenacting Section 7.021 and Subdivision 1 of Section 7.03 of the Home Rule Charter of the City of Rochester, Relating to the Removal of Board Members and Employees, Respectively, was given a first reading.</p> |
| G-2c | <p>An Ordinance Annexing to the City of Rochester a Portion of the Southeast Quarter of the Southwest Quarter of Section 34, Township 106 North, Range 14 West, Olmsted County, Minnesota, was given a first reading. (Annexation #05-03 – adjacent to the WR-6A Flood Control Reservoir, north of 60th Avenue N.W., west of CR 147)</p> |
| G-3a | <p>An Ordinance Amending Official Street Map Number 12 concerning the proposed right-of-way for the interchange of Trunk Highway 63 with 40th Street and 48th Street S.W., and S.E., in the City of Rochester, Minnesota, and repealing Ordinance No. 3492 was given a second reading. Councilmembers Marcoux moved, McConnell seconded, to adopt the Ordinance as read. Ayes (5), Nays (0).</p> |

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| | <p>Motion carried.</p> |
| G-3b | <p>An Ordinance Annexing to the City of Rochester Approximately 51.94 acres of Land Located in the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 34, Township 106 North, Range 14 West, Olmsted County, Minnesota, was given a first reading. Councilmembers McConnell moved, Nowicki seconded, to adopt the Ordinance as read. Ayes (5), Nays (0). Motion carried. (Annexation Petition #05-02 – South of the Scenic Oaks Development, West of Willow Creek Reservoir, North of 60th Street S.W.)</p> |
| G-3c | <p>An Ordinance Amending and Reenacting Sections 60.200 and 63.227 of the Rochester Code of Ordinances, Relating to Wall Sign Standards for Business Centers, was given a second reading. Councilmembers Marcoux moved, Carr seconded, to adopt the Ordinance as read. Ayes (5), Nays (0). Motion carried. (Text Amendment #04-06)</p> |
| G-3d | <p>An Ordinance Amending and Reenacting Sections 62.143, 62.342, 62.383 and 62.422 of the Rochester Code of Ordinances, Relating to Self Service Storage Facilities, was given a second reading. Councilmembers Nowicki moved, Marcoux seconded, to adopt the Ordinance as read. Ayes (5), Nays (0). Motion carried. (Text Amendment #04-07)</p> |
| J-1 | <p>Having no further business, Councilmembers Nowicki moved, Carr seconded, to adjourn the meeting. Ayes (5), Nays (0). Motion carried.</p> |
| | <p> _____ City Clerk</p> |